

PTO/SB/21 (04-07)

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<b>TRANSMITTAL FORM</b>	Application Number	10/035955	
	Filing Date	12/24/2001	
	First Named Inventor		
	Art Unit	2863	
	Examiner Name	le, T.	
(to be used for all correspondence after initial filing)		Attorney Docket Number	RSI-003
Total Number of Pages in This Submission		4	

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Fee deficiency letter 2) Form PTO-2038
Remarks Letter requesting change of status to large entity and payment of deficient fees as of date determined that small entity status did not apply  <i>US Pat. No. 6,957,146</i>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Richard A. Fagin</i>		
Printed name	Richard A. Fagin		
Date	07/26/2007	Reg. No.	39,182

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Katheryn A. Fagin</i>		
Typed or printed name	Katheryn A. Fagin	Date	07/26/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re United States Patent No. 6,957,146	§	Group Art Unit: 2863
	§	
Serial No. 10/035,955	§	Examiner: Le, T.
	§	
Filed: 12/24/2001	§	
	§	
Title: System for Utilizing Seismic Data to Estimate Subsurface Lithology	§	Atty. Docket No.: RSI-003
	§	
	§	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO CORRECT FEES IMPROPERLY PAID AS A SMALL ENTITY  
UNDER 37 CFR § 1.28(c)(2)**

Sir:

Small entity status was claimed for the above application and patent that granted therefrom. It has been determined that through error and without deceptive intent, that the patent owner was not entitled to continue to claim small entity after the application was filed, but before certain instruments requiring payment of a fee were filed in the application.

**1. Request for Continued Examination**

- The actual fee paid with a Request for Continued Examination filed in Dec. 20, 2004 was \$395.00
- The currently due filing fee for a large entity for a Request for Continued Examination is \$790.00
- The deficiency in the fee paid for the Request for Continued Examination is therefore \$395.00

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**2. Request for Extension of Time**

- a. The actual extension of time fee to file a response (37 CFR 1.136) for one month paid on Dec. 20, 2004 filed with the Request for Continued Examination set forth above was \$60.00.
- b. The currently due fee for a large entity is \$120.00.
- c. The request for extension of time fee deficiency is therefore \$60.00

**3. Notice of Appeal**

- a. The actual Notice of Appeal Fee paid on Feb. 18, 2005 was \$250.00.
- b. The amount currently due for a large entity is \$500.00.
- c. The deficiency in the Notice of Appeal fee is therefore \$250.00.

**4. Appeal Brief**

- a. The actual Appeal Brief Fee paid on Feb. 18, 2005 was \$250.00.
- b. The amount currently due for a large entity is \$500.00.
- c. The deficiency in the Appeal Brief fee is therefore \$250.00.

**5. Issue Fee**

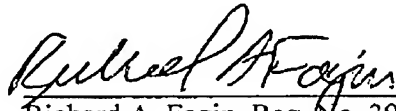
- a. The actual Issue Fee paid on June 6, 2005 was \$700.00.
- b. The Issue Fee currently due for a large entity is \$1400.00.
- c. The Issue Fee deficiency is therefore \$700.00.

The undersigned hereby tenders payment in the amount of \$1655.00 to correct all the above fee deficiencies in improperly claiming small entity status.

The Commissioner is respectfully requested to accept the proffered deficiency payment and to adjust the entity status of the patent owner accordingly.

Respectfully submitted,

Date: July 26, 2007



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